

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CR-87-1FL
5:16-CV-882-FL

BRIAN LEE FOSTER,

v.

UNITED STATES OF AMERICA,

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ORDER

This matter is before the court on petitioner's motion to vacate under 28 U.S.C. 2255 filed on November 4, 2016. Where the U.S. Court of Appeals has denied petitioner's application for authorization to file a successive motion under 28 U.S.C. 2255, petitioner's motion to vacate (DE 224) is DISMISSED for lack of jurisdiction. Where the court lacks jurisdiction to consider the motion, the court VACATES its March 14, 2017 show cause order. A certificate of appealability is DENIED.

SO ORDERED, this 21st day of March, 2017.


LOUISE W. FLANAGAN
United States District Judge